

Notice of Allowability

Application No.

10/042,556

Applicant(s)

BENTLEY, RONALD

Examiner

Daniel Swerdlow

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after-final amendment filed 24 June 2005.
2. ☒ The allowed claim(s) is/are 1-5, 8-15 and 17-26.
3. ☒ The drawings filed on 19 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In Claim 1, replace status identifier "Twice Amended" with --currently amended--.

In Claim 2, replace status identifier "Previously Amended" with --previously presented--.

In Claim 3, replace status identifier "Previously Amended" with --previously presented--.

In Claim 4, replace status identifier "Previously Amended" with --previously presented--.

In Claim 5, replace status identifier "Previously Amended" with --previously presented--.

In Claim 6, replace status identifier "Cancel" with --canceled--.

In Claim 7, replace status identifier "Cancel" with --canceled--.

In Claim 8, replace status identifier "Previously Amended" with --previously presented--.

In Claim 9, replace status identifier "Previously Amended" with --previously presented--.

In Claim 10, replace status identifier "Twice Amended" with --currently amended--.

In Claim 16, replace status identifier "Cancel" with --canceled--.

In Claim 17, replace status identifier "Previously Amended" with --previously presented--.

In Claim 18, replace status identifier "Previously Amended" with --previously presented--.

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2. Applicant is reminded that claim status identifiers must comply with 37 CFR 1.121.
3. The following is an examiner's statement of reasons for allowance:
4. Regarding Claim 1, May discloses an apparatus that provides power to a line driver for telecommunications signals on a twisted pair telecommunications medium (column 1, lines 31-36; column 2, lines 25-27 and 48-54) comprising: a power supply circuit (Fig. 3, reference 14; column 2, lines 55-65) coupled with the line driver device (Fig. 3, reference 12) to provide optimized (i.e., tailored) power to the driver; and a control module (i.e., controller) (Fig. 3, reference 16; column 2, line 2 through column 3, line 14) that receives a property of the drive signal (i.e., a signal indicative of the operating condition of the loop) and generates a control signal to the power supply circuit to optimize power consumption of the driver. Mere duplication of parts has no patentable significance unless a new and unexpected result is produced. See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). However, May discloses adaptively varying power during operation of the line driver (Fig. 2). As such, May fails to anticipate or suggest determining loop conditions during a startup training cycle.
5. Claims 2 through 5, 8 and 9 are allowable due to dependence from Claim 1.
6. Claim 10 is essentially similar to Claim 1 and is allowable for the same reasons.
7. Claims 11 through 15 and 17 through 26 are allowable due to dependence from Claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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30 June 2005


SINH TRAN
SUPERVISORY PATENT EXAMINER